

GAR:plw 6/17/20

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

RICHARD HELLMAN
185 Meadowbrook
Youngstown, Ohio 44512

PLAINTIFF

-vs-

UNITED STATES OF AMERICA;
UNITED STATES DEPARTMENT OF
VETERANS AFFAIRS

DEFENDANT

CASE NO. _____

COMPLAINT

Medical Malpractice

Parties & Background

1. At all times herein-mentioned, Defendant United States of America, Department of Veterans Affairs, hereinafter "VA", through its employees and agents, practiced medicine in the State of Ohio and provided medical treatment at facilities known as the Veterans Administration Northeast Ohio Health Care System located in the City of Youngstown, Mahoning County, Ohio.

2. This is an action for negligence against the United States for damages for medical negligence injuries caused by negligent acts of employees, agents, and/or sub-contractors of the United States Department of Veterans Affairs and the VA Hospital within the scope of their office, employment, and/or agency.

3. Jurisdiction of this action is conferred upon this Court under 28 U.S.C. §1346(b)(1) and venue of this action is proper under 28 U.S.C. §1391(e).

4. Plaintiff has timely filed an Administrative Claim pursuant to FTCA 28 U.S.C. 1346.

5. On June 11, 2020, the VA denied Plaintiff's claim in writing.

6. Pursuant to 28 U.S.C. §2675, Plaintiff is now filing the within action.

COUNT ONE
Medical Negligence

7. Now comes Plaintiff Richard Hellman and states that at all times herein-mentioned, Johnny Alayon, D.P.M. (hereinafter "Dr. Alayon") is and was licensed to practice medicine in and by the State of Ohio as a specialist in podiatric medicine.

8. At all times herein mentioned, Dr. Alayon was an employee and/or agent of Defendant VA and was acting within the course and scope of his employment or agency.

9. On November 7, 2017, Plaintiff had a right ankle replacement at the Veterans Administration Hospital in Cleveland, Ohio.

10. Thereafter, Plaintiff was under the care of Dr. Alayon at the Youngstown, Ohio Veterans Administration Clinic.

11. On April 9, 2018, Plaintiff had x-rays which revealed infection in the right ankle.

12. Dr. Alayon failed to properly diagnose and treat the infection.

13. As a direct and proximate result of the negligence of Dr. Alayon, the infection in the right ankle progressed to the point where Plaintiff required an additional four (4) surgeries that never should have been necessary if the infection was properly treated.

14. All of the foregoing was directly and proximately caused by the negligence of Defendant, by and through its agent and/or employee, Dr. Alayon.

15. As a direct and proximate result of Defendant's negligence, Plaintiff has incurred extensive medical expenses, the amount of which is unknown at this time.

16. As a direct and proximate result of the negligence of Defendant, Plaintiff has incurred pain and suffering of the body and mind, mental anguish, emotional distress, loss of enjoyment of life, and has otherwise been damaged.

17. Plaintiff's injuries are permanent in nature.

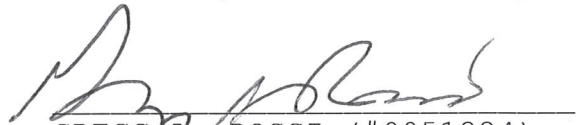
18. All of the foregoing was directly and proximately caused by the negligence of the Defendant.

19. Defendant has denied same.

20. Plaintiff is timely bringing this suit in Federal Court.

WHEREFORE, Plaintiff prays for judgment versus Defendant in the amount of SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000.00), together with interest as allowed by law, attorney's fees, and the costs of this action.

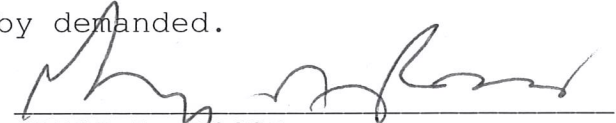
Respectfully submitted,



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JURY DEMAND

Trial by jury is hereby demanded.



GREGG A. ROSSI
Attorney for Plaintiff